

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 24, 2009

No. 08-40574
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN ANDRES MENDOZA-MARTINEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:07-CR-1012-1

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

Juan Andres Mendoza-Martinez (Mendoza) appeals his jury conviction for conspiracy to transport illegal aliens for private financial gain and transporting illegal aliens for private financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (a)(1)(B)(i). Mendoza argues that the evidence was insufficient to prove that he conspired to transport illegal aliens for private financial gain and that he transported illegal aliens for private financial gain. Because Mendoza failed to renew his motion for acquittal at the close of all evidence, he waived his

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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objection to the trial court's earlier denial of his motion. *See United States v. Delgado*, 256 F.3d 264, 274 (5th Cir. 2001). In such a situation, this court's review is limited to determining whether the defendant's conviction "resulted in a manifest miscarriage of justice," that is whether "the record is devoid of evidence pointing to guilt" or whether "the evidence on a key element of the offense was so tenuous that a conviction would be shocking." *United States v. Thomas*, 12 F.3d 1350, 1358 (5th Cir. 1994). A review of the record indicates that there is sufficient evidence of guilt. Therefore, Mendoza has not shown that his conviction would result in a "manifest miscarriage of justice." *See id.* Accordingly, Mendoza's conviction is AFFIRMED.